

Customer No. 24498
Attorney Docket No. PU030016
Office Action Date: July 6, 2010

Remarks/Arguments

In the non-final Office Action dated July 6, 2010, it is noted that claims 1, 3 and 7-9 are pending; that claims 1-3, 7, and 9 stand rejected under 35 U.S.C. §103; and that claim 8 has been considered by the Examiner to be allowable. Claims 4-6 were previously cancelled. Claim 1 has been amended to further include the limitations of claim 2.

Cited Art

The following references have been cited and applied as prior art in the present Office Action: U.S. Patent Application Publication No. 2003/0002540 to Eerenberg et al. ("Eerenberg"); and U.S. Patent Application Publication No. 2005/0220117 to Omi et al. ("Omi").

Rejection Of Claims 1, 3, 7, and 9 under 35 U.S.C. §103

Claims 1, 3, 7, and 9 stand rejected under 35 U.S.C. §103 as unpatentable over Eerenberg in view of Omi. This rejection is respectfully traversed.

Claims 1, 7, and 9 are independent claims. Claim 3 depends from claim 1. Claims 7 and 9, are different from claim 1 and must be interpreted according to their specific features. However, claims 7 and 9 include features that are similar to those discussed below from claim 1. As a result, the remarks below made with respect to claim 1 will be understood to pertain to claims 7 and 9 according to the particular interpretation of each claim, without further repetition herein.

Claim 1 recites:

An apparatus for wirelessly transmitting and receiving digital video data, comprising:

a means for receiving a time stamp indicating a time of a video transmission;

a means for determining a relative time difference between the time stamp and a previous time stamp;

a means for communicating the relative time difference to a transmitter having as one feature of transmission a time base;

a means for the transmitter to adjust the time base according to the relative time difference, and wherein the transmitter communicates, to on or more, receivers, the adjusted time base according to the relative time difference. [Emphasis supplied].

Customer No. 24498
Attorney Docket No. PU030016
Office Action Date: July 6, 2010

The Office Action alleges that Eerenberg at paragraph 0008 discloses or suggests the feature of determining a relative time difference between the time stamp and a previous time stamp. Applicants respectfully traverse.

Eerenberg generally relates to MPEG data packet transmission through an ATM network with jitter free decoding. (Title). At paragraph 0022 Eerenberg discloses: "The transmitter 2 is further provided with transmission time stamp generator means 8. . . ." At paragraph 0023, Eerenberg discloses that the time stamp generator 9 determines the local transmission time of every data transport stream to form generated transmission time stamps of a transmitted data packet. In other words, Eerenberg's time stamp apparently indicates a time of a transmitted data packet.

Although Eerenberg appears to disclose a time stamp of a transmitted data packet, Eerenberg does not disclose nor suggest the feature of a means for determining a relative time difference between the time stamp and a previous time stamp, as set forth in Applicants' claim 1. The Office Action points to Eerenberg at paragraph 0008 as allegedly disclosing or suggesting these features. However, a close inspection of Eerenberg reveals that there is no determination of a relative time difference between the time stamp and a previous time stamp.

Eerenberg at paragraph 0008 recites: "Thereto the transmission system is characterized in that the receiver further comprises a time base regenerator coupled to the transport network for calculating a time difference between received successive transmission time stamps." [Emphasis supplied].

Applicants' claim 1 is distinguished from Eerenberg in that claim 1 requires determining a relative time difference between the time stamp and a previous time stamp, whereas Eerenberg teaches calculating a time difference between successive time stamps with respect to the transmitted data packet. In other words, Eerenberg teaches calculating a time difference between time stamps which occur after the time stamp of a transmitted data packet, whereas Applicants' claim 1 requires determining a relative time difference between the time stamp indicating a time of video transmission and a prior time stamp.

Although Eerenberg calculates a time difference between a reference time stamp for a transmitted data packet and successive time stamps, nowhere does Eerenberg suggest the feature of determining a relative time difference between a time stamp indicating the time of a video transmission and a prior time stamp. As such, Eerenberg does not teach, disclose, or

Customer No. 24498
Attorney Docket No. PU030016
Office Action Date: July 6, 2010

suggest the features of determining a relative time difference between the time stamp and a previous time stamp, as required in each of Applicants' independent claims 1, 7, and 9.

Furthermore, the Office Action points to Omi for showing the *means for communicating the relative time difference to a transmitter having as one feature of transmission a time base*. However, Applicants' claim 1 is distinguished from Omi. Omi at paragraph [0109] recites: "When receiving a packet (Request_Packet, for example) from any slave station 20, the master station 10 outputs the packet together with the receive time stamp indicating a receive time to the controller 12 (step S802). The controller 12 calculates a time difference Td between the *transmission time stamps* that are provided to the packet and the *receive time stamp* (step 803)." Emphasis added.

Thus, the time difference in Omi is not related to, nor even suggestive of, applicants' claimed relative time difference. In Omi the time difference is related to a transmission time stamp and a receive time stamp. In contrast, applicants' claim 1 requires a means for receiving a time stamp *indicating a time of a video transmission*. Thus, applicants' claimed relative time difference is between a time stamp *indicating a time of a video transmission* and a previous time stamp *indicating a time of a video transmission*. Whereas, Omi teaches that the time difference is calculated between a *transmission time stamp* and a *receive time stamp*. As such, Omi does not teach *means for communicating the relative time difference to a transmitter having as one feature of transmission a time base*, as required in Applicants' claim 1.

For at least these reasons, it is submitted that the combination of Eerenberg and Omi does not teach, show, or suggest all the elements of independent claims 1, 7, and 9 and any claims dependent thereon.

In light of the remarks above, it is believed that claims 1, 3, 7, and 9 would not have been obvious to a person skilled in the art upon a reading of Eerenberg and Omi, either separately or in combination. Therefore, it is submitted that claims 1, 3, 7, and 9 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Furthermore, notwithstanding the features mentioned above, Applicants in order to move the prosecution of this case forward, have further amended claim 1 to include the limitations of claim 2. Applicants submit that the cited references fail to teach or suggest the additional limitation of amended claim 2.

Customer No. 24498
Attorney Docket No. PU030016
Office Action Date: July 6, 2010

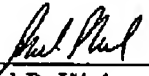
Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 07-0832.

Respectfully submitted,
John Alan Gervais et al.

By: 
Paul P. Kiel
Attorney for Applicant
Registration No. 40,677

Patent Operations
THOMSON Licensing LLC
PO Box 5312
Princeton, NJ 08543-5312

Date: 10/5/10